

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSAL CITY STUDIOS, INC., :
 : 82 Civ. 4259 (RWS)
 :
 : Plaintiff, :
 :
 : -against- : PLAINTIFF'S SUPPLEMENTAL
 : :
 : NINTENDO CO. LTD. and : RESPONSES TO THE SECOND
 : :
 : NINTENDO OF AMERICA, INC., : SET OF INTERROGATORIES
 : :
 : : AND SECOND REQUEST FOR
 : :
 : : FOR PRODUCTION NO. 1 BY
 : :
 : : DEFENDANT NINTENDO OF
 : :
 : : AMERICA, INC.
 :
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Pursuant to Fed. R. Civ. P. 26(e), plaintiff Universal City Studios, Inc. ("Universal"), supplements its responses to defendant Nintendo of America, Inc.'s Second Set of the Interrogatories and Second Request for Production No. 1. as follows:

Interrogatory No. 1

Identify any federal or state trademarks or applications for such trademarks or copyrights in the name, character or story of King Kong of which Universal or its affiliates are aware, other than those sought by Universal, its affiliates or its licensees, and state any action Universal or its affiliates are taking or have taken with respect to any

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such applications, trademarks or copyrights.

Supplemental Response to Interrogatory No. 1

Universal has obtained the assignment of the Mego Corp. trademark registration from RKO General, Inc. See Universal's supplemental responses to the First Set of Interrogatories and Request for Production of Nintendo of America, Inc., Interrogatory No. 3.

Interrogatory No. 2

Identify each and every infringing use of the name, character or story of King Kong of which Universal or its affiliates are aware and state any action taken by Universal or its affiliates with respect to such infringements.

Supplemental Response to Interrogatory No. 2

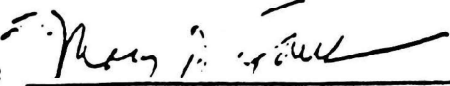
Universal has advised defendants' "Donkey Kong" licensees that it contends that their use of "Donkey Kong" as a trademark for products and services is an infringement of Universal's rights in "King Kong." Copies of said advice and responses thereto are contained in Document Folder 2a. Universal also learned, in January 1983, that Hovnanian Enterprises, Inc. used the King Kong character in real estate

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advertisements. Universal advised this company that it believes that its use of King Kong violates Universal's rights. The company agreed to stop using King Kong in its advertisements. Copies of the correspondence reflecting this is contained in Document Folder 2a.

Dated: New York, New York
March 29, 1983

TOWNLEY & UPDIKE

By: 

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VERIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

Robert D. Hadl, being duly sworn, deposes and says:

I am a Vice President of plaintiff, Universal City Studios, Inc. ("Universal"). I have read the foregoing plaintiff's Supplemental Responses to the Second Set of Interrogatories and Second Request for Production No. 1 by Defendant Nintendo of America, Inc. The responses are true to the best of my information, knowledge and belief.

Robert D. Hadl

Robert D. Hadl

Sworn to before me this
29th day of March, 1983.

Marjorie H. Adler

Notary Public



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